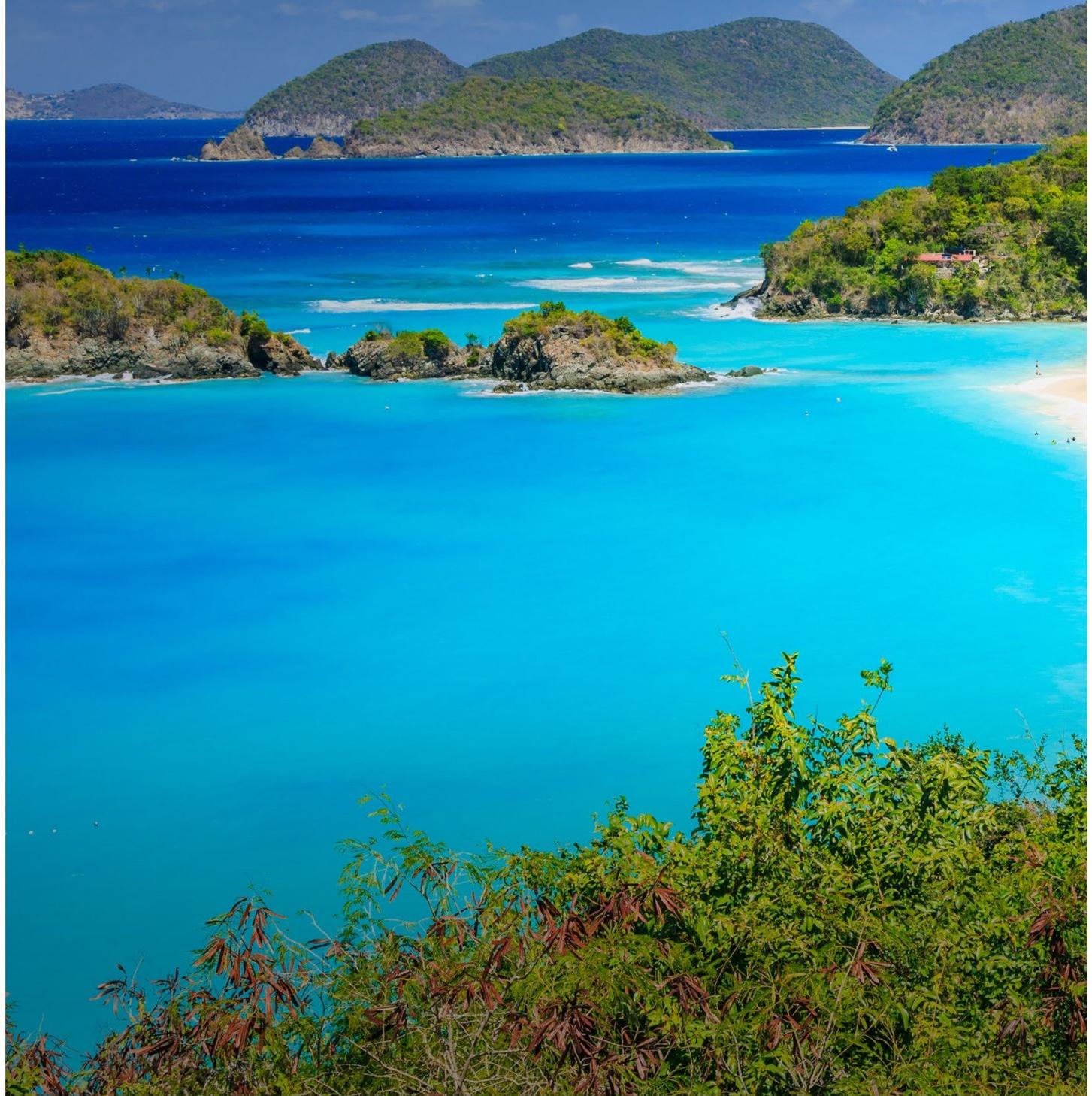




Quarterly Report – Fourth Quarter 2022

February 17, 2023





February 17, 2023

Honorable Judge Robert A. Molloy
Chief Judge
District Court of the Virgin Islands
Ron de Lugo Federal Building
5500 Veterans Drive, Room 310
St. Thomas, VI 00802
Dear Honorable Judge Robert A. Malloy,

Pursuant to Consent Decree Case No. 3:08-CV-158 ¶96, the Independent Monitor submits its quarterly report for the period ending February 1, 2023.

Sincerely,
Virgin Islands Police Department Monitor

A handwritten signature in black ink that reads "Sydney R. Roberts".

Sydney Roberts, JD
Monitor



United States Virgin Islands Police Department
Consent Decree Monitor

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Introduction

The Jensen Hughes Independent Monitoring team for the U.S. Virgin Islands and the Virgin Islands Police Department (collectively referred to as VIPD) is pleased to present its first quarterly report. On November 18, 2022, U.S. District Court Judge Robert Molloy issued an order granting the joint motion of the U.S. Department of Justice (DOJ) and the Territory of the Virgin Islands to appoint Sydney Roberts, Senior Consultant with Jensen Hughes, as Independent Monitor. Ms. Roberts is an attorney and former Chief Administrator of the Civilian Office of Police Accountability in Chicago. Ms. Roberts previously served as Director, Secretary of State Police, and Inspector General in Illinois. Ms. Roberts's experience working on monitoring projects includes the California Department of Justice and the City of Bakersfield, California. Police practice experts supporting Ms. Roberts as members of the Monitoring team are as follows:

The Monitoring Team

- **Robert Davis**, Monitor team member, leads the Law Enforcement Consulting practice at Jensen Hughes. Mr. Davis previously served as Chief of Police in San Jose, California, and has overseen reviews and initiation of reforms in dozens of police agencies in the U.S. and led U.S. DOJ Collaborative Reform Initiative and Technical Assistance (CRI-TA) programs for police departments in several cities.
- **Robert Boehmer**, Monitor team member, is an attorney who manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.
- **Ann Marie Doherty**, Monitor team member, is a consultant who has previously been on the Monitor team for the U.S. Virgin Islands. She also currently serves as a Police Practices Expert to evaluate select cases involving the Washington, D.C., Metropolitan Police Department (MPD) in the area of use of force (UOF), at the request of the Office of the District of Columbia Auditor (ODCA). Ms. Doherty served with the Boston Police Department, rising through the ranks and ultimately serving as Superintendent.
- **Mark Giuffre**, Monitor team member, has over 30 years of experience serving in the U.S. Drug Enforcement Administration (DEA) and is a former Assistant Special Agent in Charge. Mr. Giuffre has conducted numerous independent, third-party investigations of citizen complaints and UOF incidents for law enforcement agencies throughout the United States.
- **Rodney Monroe**, Monitor team member, has over 40 years of law enforcement experience, serving as Chief of Police in Charlotte-Mecklenburg, North Carolina; Chief of Police in Richmond, Virginia; and Chief of Police in Macon, Georgia. Mr. Monroe was an Assistant Chief in the Metropolitan Police Department in Washington, D.C., before he retired to become Chief in Macon.



- **Lindsay Morgan**, Monitor team member, will provide project management expertise and has managed complex projects for numerous law enforcement agencies within the U.S. DOJ and Department of Homeland Security with Senior Executive Service-level customer service relations, specializing in both mission and mission-support police reform.
- **Kerr Putney**, Monitor team member, has over 28 years of law enforcement experience and served as the Chief of the Charlotte-Mecklenburg, North Carolina, Police Department.
- **Robert Stewart**, Monitor team member, is a consultant who has previously been on the Monitoring team for the U.S. Virgin Islands and was formerly Chief of Police in Ormond Beach, Florida. Mr. Stewart retired as a senior officer at the Metropolitan Police Department in Washington, D.C., and served as the Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE). He has served on the Monitoring teams for Newark, New Jersey, and Ferguson, Missouri.
- **Robert Wasserman**, Monitor team member, is a consultant and member of the Monitoring Team for the Consent Decree in Newark, New Jersey. He has been a senior official in police agencies in Dayton, Ohio; New York, New York; and Houston, Texas. He has served as Chief of Staff of the White House Office of National Drug Control Policy, a Cabinet agency. Mr. Wasserman also served as Commissioner of the United Nations International Police Task Force in Bosnia-Herzegovina following the Bosnian War.

This quarterly report highlights the foundational activities undertaken by the Monitor team for the USVI efforts.

Quarterly Activities

The Monitor team developed and executed a two-phase transition plan¹ (see attachment A). Phase I represents research and information gathering while Phase II focuses on the development of the Year One Monitor Plan. The overall goal of this transition plan is to 1) understand VIPD organizational structure and culture and its Consent Decree compliance processes; 2) review and analyze VIPD's operational policies and procedures; 3) assess the current status of compliance; and 4) develop the monitoring work plan identifying the methods and manner in which the VIPD will be assessed for compliance.

In Phase I, the Monitor team spent much of its time reviewing and assessing past court filings and participating in or observing pre-existing compliance-related activities.² The Monitor team held several transitional meetings with members of the former monitoring team that proved useful in understanding the VIPD's current state of compliance. The Monitor team established a project management approach wherein several members of the Monitor team have been assigned to each of the three core compliance focus areas: UOF, citizen complaints, and management and supervision. The Monitor UOF team also reviewed and provided feedback on VIPD's draft Conducted Energy Weapon (CEW) policy.

¹ Transition plan provided to the Parties on January 13, 2023.

² The Monitor team observed an EIP meeting and participated in several weekly calls between the parties.



United States Virgin Islands Police Department
Consent Decree Monitor

The Monitor team³ also held its first site visit to the Territory on January 23 – 27, 2023 (see attachment B). During this site visit, the Monitor team visited police stations/zones on each of the three islands (St. Thomas, St. John and St. Croix) and the VIPD Training Academy. The Monitor team interviewed a total of 32 members of the department inclusive of the Commissioner, both Assistant Commissioners, the Deputy Commissioner, the Chiefs of St. Croix and St. Thomas and the Deputy Chiefs of all three islands. Interviews were conducted also with commanders, watch commanders and sergeants on all three islands, in addition to participation in two ride-alongs and several officer interviews. In addition to meeting with operations personnel, the Monitor team interviewed the Directors of Internal Affairs and the Compliance and Change Management Unit, Force Investigation Inspectors and Citizen Complaint Investigation Inspectors of St. Thomas and St. Croix, the Officer in Charge of Training and the department's Early Intervention Performance analyst.

Through our engagement with the VIPD, we found the members of this department take great pride in serving the VIPD and are committed to meeting the needs of the Territory's citizens and those who visit. VIPD leadership and compliance personnel expressed commitment to achieving substantial compliance with the Consent Decree and believed it is within their reach. VIPD operations personnel also expressed hope that substantial compliance could be achieved; however, many felt challenged by the compliance processes put in place. Some noted difficulty completing existing administrative responsibilities and supporting their officers on the street, while others felt they lacked the investigative experience required to complete investigations assigned to them.

While we are still in the initial stages of our work, our first site visit was productive and provided valuable insight into the administrative and operational impact of VIPD's Consent Decree. Since our front-end work scope has concentrated on getting to know key VIPD personnel and the leaders of the U.S. Virgin Islands Attorney General's Office and gaining a detailed understanding of the exact day-to-day procedures VIPD personnel are using to support and comply with the Consent Decree, we left with two key takeaways.

First, many within VIPD are working hard to comply with the Consent Decree and are willing to work with the Monitor team to make that happen as quickly and effectively as possible so substantial compliance can be achieved. Second, the Monitor team sees opportunities to make suggestions to VIPD on steps they could take to adjust their day-to-day compliance procedures to speed up the process of investigating, reviewing and managing UOF and complaint investigations, especially for UOF investigations for the lowest level of reportable force cases. These recommendations could serve to reduce the amount of time it is taking to complete these investigations, allow for more time to be spent investigating higher priority cases and improve the morale of all involved, given there is significant dissatisfaction among rank-and-file members on all three islands regarding current VIPD processes for handling the investigations and reviews. We sense that while VIPD personnel are supportive of the goals and objectives of the Consent Decree, many are frustrated with the internal processes that are in place to demonstrate compliance.

Again, the Monitor team must reiterate we are at the front end of our monitoring work and are still learning more each day about what has already occurred to gain compliance with the Consent Decree and how the

³ Monitor team attendees included: Sydney Roberts, Robert Davis, Kerr Putney, Robert Boehmer, Mark Giuffre, Lindsay Morgan and Rodney Monroe



current VIPD operations are affecting that compliance. We also recognize the need to discuss and share with our U.S. DOJ colleagues what we have learned to gain an even greater perspective on our initial observations from this first site visit, as well as receive feedback from them regarding our thoughts on potential recommendations to VIPD that could help them streamline their compliance processes. However, the Monitor team is quite optimistic about what can be done to help VIPD gain substantial compliance sooner rather than later.

First Quarter Activities

As we move into the first quarter and Phase II of our transition plan, our efforts will focus on building the Monitor work plan and the methodology for evaluating compliance. Working closely with the VIPD and the DOJ, the compliance methodology will include, but not be limited to, process evaluation, data analysis, review of administrative investigations and VIPD's risk management practices.



Attachment A: VIPD Monitor Transition Plan

Goal: Provide the VIPD Independent Monitor team the opportunity to obtain baseline understanding of:

1. The operating structure of the VIPD in general, and specifically their internal consent decree compliance strategy.
2. VIPD's policies and procedures specifically related to the consent decree.
3. The status of consent decree compliance.
4. The way our understanding of these issues will help inform the development of our compliance monitoring plan as we move forward with this important work.

Activities

Phase I – Research and Information Gathering:

- Creation of monitor project teams
- Document review and analysis
- Former Independent Monitor Team transition meetings
- Observation of pre-existing compliance-related meetings
- Site Visit – Interviews and Reviews
- Submission of Quarterly Report – Narrative report of activities conducted and planned activities into the next quarter

Phase II – Develop Y1 Monitor Plan:

- Monitor Plan will include, but may not be limited to, the following:
 - Monitoring methodology
 - Site Visits – Anticipated Work Plan activities
 - Reporting content and cadence
 - Recurrent events
- Monitor Plan review



Attachment B: Site Visit Schedule

Monday, January 23, 2023: Interviews – St. Thomas

- Opening Meeting – Deputy Commissioner
- Opening Meeting – Commissioner
- Director Newton, IAB
- St. Thomas/St. John District CII
- St. Thomas/St. John District FII

Tuesday, January 24, 2023: Interviews – St. John

- Deputy Chief
- Sergeant
- Ride-alongs
- Officer

Wednesday, January 25, 2023: Interviews – St. Thomas

- Officer in Charge Training and EIP – VIPD Training Academy
- Assistant Commissioner St. Thomas & St. John
- CEW Coordinator
- St. Thomas Chief
- St. Thomas Zone Commanders
- St. Thomas Zone Captain
- St. Thomas Zone Sergeants
- St. Thomas Acting Attorney General and Chief of Civil Division

Thursday, January 26, 2023: Interviews – St. Croix

- St. Croix Chief
- St. Croix Deputy Chief
- St. Croix Lieutenants
- St. Croix Captain
- Director CCMS
- St. Croix District CII
- St. Croix District FII
- St. Croix Sergeants



Thursday, January 26, 2023: File Reviews – St. Thomas

- UOF and Citizen Complaint File Reviews – IAB

Friday, January 27, 2023: Interviews – St. Thomas

- Closing Meeting – Commissioner
- Closing Meeting – Deputy Commissioner
- St. Croix Assistant Commissioner